

December 19, 2008

VIA E-MAIL

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-325
445 12th Street, S.W.
Washington D.C. 20554

Re: WC Dkt. Nos. 07-256, 08-24, 08-49

Dear Ms. Dortch:

On December 18, 2008, Nirali Patel, Jonathan Lechter and the undersigned, on behalf of tw telecom inc., One Communications Corp., and Cbeyond Inc. (together, the Joint Commenters), met with Nick Alexander, legal advisor to Commissioner Robert McDowell. The undersigned, again on behalf of the Joint Commenters, also held a separate meeting on December 18, 2008 with Amy Bender, legal advisor to Chairman Kevin Martin. During both of these meetings, the Joint Commenters' representatives argued that the FCC should deny the FEATURE GROUP IP ("FGIP") petition for forbearance from application of access charges to the VoIP traffic described in the petition. Our comments were consistent with the comments filed by the Joint Commenters in WC Docket No. 07-256.

During the meeting with Nick Alexander, we, on behalf of the Joint Commenters as well as Integra Telecom Inc., also argued that the FCC must reassess the analytical framework it uses to consider ILEC petitions for forbearance from unbundling obligations. In particular, we emphasized that, in assessing such petitions, the FCC (1) should utilize appropriate product and geographic markets; (2) should not rely on competition in one distinct product market as evidence of competition in an entirely different product market; and (3) should deny forbearance where granting the relief would create a duopoly in the downstream retail market. Our other comments regarding the FCC's analytical framework in UNE forbearance cases were consistent with the Joint Commenters' filings in the above-referenced proceedings.

October 2, 2008

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Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), a copy of this notice is being filed electronically in the above-referenced dockets.

Respectfully submitted,

/s/

Thomas Jones
Willkie Farr & Gallagher LLP
1875 K Street, N.W.
Washington, DC 20006
202-303-1191

cc: Nick Alexander
Amy Bender